

REMARKS

Applicant submits this paper in response to the final Office Action dated April 13, 2010. Claims 1-19 have been previously canceled. Claims 20-41 were previously added. Claims 20, 32, and 41 have been amended. Thus, claims 20-41 are currently pending and presented for examination.

Response to Rejections Under Section 112:

Claim 41 stands rejected for being vague and indefinite. Claim 41 has been amended for clarification. Support for this amendment may be found in paragraph [0014] where there is discussion that individual process parameters which are optimized may be influenced by a plurality of optimization entities concurrently, but the overall influence cannot exceed 100 percent (100%). For example, if there are two optimization entities, one optimization entity may provide a forty percent (40%) influence and the second optimization entity may provide a sixty percent (60%) influence, but an occasion of having the optimization entities having an influence greater than 100% is not allowed. The percental factor is provided to ensure that such a situation does not occur.

Response to Rejections Under Section 103:

The following claims have been rejected under 35 U.S.C. §103(a) as being unpatentable over the indicated references: claims 20-24, 26, 30, 38-39, and 41 over U.S. Publication No. 2003/0120528 to Kruk et al ("Kruk") in view of U.S. Patent No. 6,708,155 to Honarvar et al ("Honarvar"); claims 25 and 40 over Kruk in view of Honarvar and further in view of U.S. Patent No. 6,004,579 to Bathurst et al ("Bathurst"); claim 27 over Kruk in view of Honarvar and further in view of U.S. Publication No. 2001/0017023 to Armington et al ("Armington"); claims 28 and 29 over Kruk in view of Honarvar and further in view of U.S. Patent No. 5,402,519 to Inoue et al ("Inoue"); claim 31 over Kruk in view of Honarvar and further in view of U.S. Publication No. 2003/0061225 to Bowman et al ("Bowman"); claims 32 and 33 over Applicant's Own Admission ("AOA") in view of Kruk and further in view of Honarvar; claims 34-36 over AOA in view of Kruk, in view of Honarvar and further in view of U.S. Publication No. 2003/0088456 to Ernest et al ("Ernest"); and claim 37 over AOA, in view of Kruk, in view of Honarvar, in view of Ernest, and further in view of Bowman. Applicant respectfully traverses.

Independent claims 20 and 32 now disclose, in part:

wherein the evaluation entity is provided a reference values specific to the process parameter, an actual value specific to the process parameter, a reference time, a currently determined time, and a percental factor so that the at least one optimization entity produces an optimization value, an optimization value integrated over a time period, and a percentage of optimization applied to the process parameter per optimization entity when more than one optimization entity is utilized.

Independent claim 38 now discloses, in part:

applying an independent percental factor to each optimization entity when more than one optimization entity is provided to designate a percentage each optimization entity should provide.

Neither AOA, Kruk, Honarvar, Bathhurst, Armington, Inoue, Bowman, or Ernest disclose this element as now included in independent claims 20 and 32. Support for this addition is found in paragraphs [0014] and [0017] – [0019]. Thus, though aspects of this element may be found in the prior art, not all aspects are contained in the cited prior art. More specifically, a percental factor so that the at least one optimization entity produces a percentage of optimization applied to the process parameter per optimization entity when more than one optimization entity is utilized is not included in prior art raised by the Examiner.

Though claim 37 should be patentable in view of the above remarks with respect to claim 32, Applicant wishes to address the basis for rejecting this claim in further detail. Specifically, the Examiner has cited five (5) prior art references against it in concluding that claim 37 is obvious. Utilizing five (5) references is excessive and to doing so illustrates that this claim is indeed patentable if combined with its independent claim.

Since claims 21-31 depend from independent claim 20, and claims 33-37 depend from independent claim 32, and claims 39-41 depend from independent claim 38, in view of the remarks above, these dependent claims are now allowable as well.

Conclusion:

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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